

No. 16 of 1907.]

[Promulgated 10th September, 1907.]

E.



R.

CAPE OF GOOD HOPE.

ANALYSIS.

Preamble.

PART I.

PRECIOUS MINERALS.

REEF DIGGINGS.

1. Repeal of repugnant Laws.
2. Holder of any claim or any mining lease may come under the provisions of this Act.
3. Stamps and payments in respect of claims registered or selected hereafter.
4. Royalty.
5. Discoverer's claims.
6. Owner may take 50 claims in lieu of mining lease under section 64 of Act 31 of 1898.
7. Two-fifths of royalty to be paid to owner in certain cases.
8. Development work to be commenced within one year.
9. Meaning of "licence money" in section 48 of Act 31 of 1898.
10. Registration of precious minerals won from claims in a reef digging.
11. Claimholders to keep books showing amounts realised by sale of precious minerals.
12. Inspectors and officials to keep books accounting for money received, &c.
13. Compensation for surface damages.
14. Prospecting on any Crown Lands may be prohibited by Governor's Proclamation.

DREDGING FOR PRECIOUS MINERALS.

15. Dredging for precious minerals.
16. Prospecting licence.
17. Provisional dredging claim.
18. Registration of provisional dredging claim.
19. No other dredging claim upon the same area to be granted to any other person for one year.
20. Dredging lease.
21. Time within which to apply for dredging lease.
22. Condition precedent to obtaining lease.
23. Terms and conditions of dredging lease.
24. Meaning of public river.
25. Terms and conditions of lease may in certain cases be waived by Minister.
26. Return of all suspensions and waivers of conditions to be laid before Parliament.

27. Regulations may be proclaimed by Governor.
28. Holder of a dredging claim or lease may surrender his lease and become entitled to the rights of a holder of a prospecting licence under the Mining Acts.
29. Rights of owner of land to obtain a dredging lease.
30. Consent of owners of adjacent riparian property required prior to issue of lease.
31. Terms and conditions of such lease.

PART II.

BASE MINERALS.

32. Repeal of repugnant Laws.
33. Definitions.
34. Prospecting on Crown Lands for base minerals.
35. Licence for prospecting.
36. Rights given under licence.
37. Penalty for removing or destroying pegs or prospecting on another's area.
38. Licence may be cancelled on failure of bona fide prospecting.
39. Rights of grazing, &c.
40. Limitations of prospector's rights.
41. Rights of lessee of Crown Land.
42. Prospector's lease. Terms and conditions thereof.
43. A lease of a larger area than 1,000 acres may in certain cases be granted.
44. False declaration of discovery.
45. "Salting."
46. Burden of proof in proceedings for "Salting."
47. Regulations.
48. Jurisdiction of Magistrates' Courts.
49. Existing holders.
50. British Bechuanaland Native Reserves treated as Crown Land. Compensation for surface damage.

PART III.

MINES DEPARTMENT.

51. Assays of mineral ore by Department.
52. Provisions for forwarding single samples of ore.
53. Provision for forwarding samples.
54. Short Title.

ACT
To Amend the Mineral Law.

[Assented to 9th September, 1907.]

Preamble BE it enacted by the Governor of the Cape of Good Hope, with the advice and consent of the Legislative Council and House of Assembly thereof, as follows :—

PART I.

PRECIOUS MINERALS.

REEF DIGGINGS.

Repeal of repugnant Laws. 1. So much of Act No. 31 of 1898 entitled the "Precious Minerals Act, 1898," and more particularly of sections fourteen, forty-one, sixty-three, sixty-four and sixty-five thereof, and so much of any other Act as is inconsistent with or repugnant to the provisions of this Act is to the extent of such inconsistency or repugnancy hereby repealed : but nothing in this Act contained shall be taken to affect anything duly done or any right or privilege acquired, or any liability, penalty, or forfeiture incurred in respect of any such repealed portion of any such Act.

Holder of any claim or any mining lease may come under the provisions of this Act. 2. Any person at the time of the promulgation of this Act holding any claim or paying any claim licence in respect of any claim in a proclaimed reef digging, or being the holder of a lease granted under section sixty-four of Act No. 31 of 1898, who may desire to come under the provisions of this Act in respect of such claim or lease, may do so upon notice to the Inspector or Civil Commissioner of the district in which such claim or land is situated, and thereafter such claimholder or lessee shall be deemed to be a claimholder under this Act and subject to all its rights and duties.

Stamps and payments in respect of claims registered or selected hereafter. 3. From and after the promulgation of this Act no moneys shall be payable or stamps affixed in respect of any claims hereafter registered or selected in any reef digging duly proclaimed upon Crown Land or upon land the title to which contains a reservation to the Crown of precious minerals, save and except in respect of claims not worked in terms of section forty-eight of Act No. 31 of 1898 as hereinafter amended.

Royalty. 4. A royalty of One Pound per centum upon the gross amount realised by the sale of precious minerals won from any and every claim in a reef digging shall be paid by every claimholder, whether holding discoverer's claims or owner's claims as by this Act provided, or other claims.

Discoverer's claims. 5. Every discoverer shall be entitled to select and peg off fifty claims in not more than two blocks in any reef digging proclaimed

after the promulgation of this Act upon land the title to which contains a reservation of precious minerals to the Crown, and section fourteen of Act No. 31 of 1898 and section one of Act No. 45 of 1905 shall be deemed to be amended accordingly.

6. Every owner of land the title to which contains a reservation of precious minerals to the Crown shall after the declaration mentioned in section thirteen of Act No. 31 of 1898 be entitled, after the discoverer has selected and pegged off his claims, to select and peg off fifty claims upon the reef or elsewhere within the proclaimed area in lieu, if he so wishes, of the mining lease referred to in section sixty-four of Act No. 31 of 1898 and in such event shall be subject to the provisions of Act No. 31 of 1898, as amended by this Act, and no other person as in section thirty-three of Act No. 31 of 1898 provided shall be allowed to peg off any claim until such owner has selected and pegged off his said claims, if on or before the day of proclamation of the said reef digging such owner has signified his intention in writing to the Inspector or other official appointed to read the Proclamation that he intends to select such claims in lieu of obtaining the mining lease hereinbefore referred to.

7. Two-fifths of the royalties recovered in terms of section four of this Act from claimholders in respect of claims in a reef digging situated on land the title to which contains a reservation of minerals to the Crown and in respect of which claims the owner of the land has provided the depositing sites required by section sixty-three of Act No. 31 of 1898, shall be paid to such owner.

8. *Bonâ fide* development work to the satisfaction of the Inspector shall be commenced and continued upon the claims of each claimholder, in a reef-digging within one year from the date of proclamation of the said digging, unless, with the Governor's consent, a further limit of time not exceeding twelve months shall be allowed, and any discoverer, owner or claimholder failing so to develop any claim or claims held by him shall be liable to forfeiture of such claim or claims, which may thereafter be disposed of by public auction.

9. The words "licence money" mentioned in section forty-eight of Act No. 31 of 1898, shall be taken to mean twenty shillings per month on each claim therein referred to.

10. All precious minerals won from any claim in a reef digging shall be registered at the office of the Inspector not later than the seventh day of the month following that in which such minerals may be won and any person who shall contravene this section shall be liable to a fine not exceeding £500 or, in default of payment, to forfeiture of the claims in respect of which the contravention has taken place.

11. Every claimholder shall keep proper books showing the amounts realized by him by the sale of the mineral or minerals won from his claim or claims and such books shall be open for

Owner's
claims.

Two-fifths
of royalty to
be paid to
owner in cer-
tain cases.

Develop-
ment work to
be commen-
ced within
one year.

Meaning
of "licence
money" in
Section 48 of
Act 31 of 1898.

Registration
of precious
minerals won
from claims
in a reef dig-
ging.

Claimholders
to keep books
showing
amounts re-
alised by sale
of precious
minerals.

the inspection of the Inspector or other official appointed for the purpose at all reasonable times, and such claimholder shall pay over to the Inspector or other official appointed for the purpose the amount of royalty due under this Act upon the said amounts realized from the said claim or claims at least once a month, and any claimholder failing to keep such books after being warned by the Inspector or refusing inspection thereof or failing for two months to pay over any royalty due shall be liable to a fine not exceeding £500, or in default of payment to forfeiture of his said claims.

Inspectors and officials to keep books accounting for money received, &c.:

12. The Inspector or other officials appointed in that behalf shall be bound to keep books showing the amount of all such moneys as are in the last preceding section mentioned and shall account for and pay over to the owner of land the title to which contains a reservation of minerals to the Crown and on which the claims in a reef digging are situated, in respect of which the said moneys are paid, the amount due to him under this Act, half-yearly, and shall afford to such owner at all reasonable times inspection of such books.

Compensation for surface damages.

13. The compensation for surface damage caused by the proclaiming of any Reef Digging upon any Native Reserve in British Bechuanaland, defined in the Schedule to Proclamation No. 220 B. B., 1895, shall notwithstanding anything to the contrary in section one hundred and thirteen of Act No. 31 of 1898 contained, be one-fifth of the royalties recovered in terms of section four of this Act from claimholders in such Reef Digging, and such compensation shall be dealt with in the manner provided in section one hundred and thirteen of the said Act No. 31 of 1898.

Prospecting on Crown lands prohibited.

14. No prospecting licence obtained under the provisions of Act No. 31 of 1898 shall authorize the holder to prospect on any Crown land on which prospecting shall be by the Governor, by Proclamation in the *Gazette*, prohibited.

DREDGING FOR PRECIOUS MINERALS.

Dredging for precious minerals.

15. Notwithstanding any law to the contrary the Governor may, subject to the provisions of this Act, grant leases to any persons for the purpose of sluicing and dredging for precious minerals, in any public river, lake, lagoon or alluvial ground, not suited to ordinary mining either for minerals or precious stones or already mined, upon unoccupied Crown Land and to any owner of land the title to which contains a reservation of precious minerals to the Crown.

Prospecting licence.

16. Any person desiring to obtain a dredging lease may take out a prospecting licence in the form prescribed in the first Schedule of this Act to prospect any public river, lake, lagoon or alluvial ground not suited to ordinary mining or already mined on unoccupied Crown Land in the Colony and shall pay the sum of Fifteen Pounds for such licence.

17. The holder of such prospecting licence may, subject to the consent of the Governor, peg or beacon off a provisional dredging claim on any public river, lake, lagoon or alluvial ground not suited to ordinary mining or already mined, on unoccupied Crown Land, and such provisional claim shall, if upon a public river, not exceed four miles of its length measured along the middle line of the river, and if upon a lake, lagoon or alluvial ground as aforesaid shall not exceed an area of two hundred acres.

Provisional
dredging
claim.

18. Such provisional dredging claim shall be registered in the Office of the Civil Commissioner of the district in which the claim is situated and the prospector shall deposit a sketch plan in the said office showing the approximate boundaries of the claim.

Registration
of provisional
dredging
claim.

19. No other dredging claim shall for the space of one year from the date of such registration be granted to any other person upon the said area.

No other
dredging
claim upon
the same area
to be granted
to any other
person for one
year.

20. At the expiration of one year from the date of the said registration, or as soon as dredging operations can be commenced, the prospector shall have the right to obtain a dredging lease subject to the terms and conditions hereinafter specified.

Dredging
lease.

21. If the prospector shall not within three months after the expiration of the said year or as soon as dredging operations are commenced apply for the said lease, the provisional claim shall be determined and the area may be given out in terms of this Act to any other prospector.

Time within
which to ap-
ply for dredg-
ing lease.

22. No lease shall be granted to any prospector as aforesaid unless he shall satisfy the Minister that he has obtained and is possessed of sufficient dredging machinery and capital to commence active operations forthwith or upon such date as the Minister shall fix, upon the area to be leased to him.

Condition
precedent to
obtaining
lease.

23. A dredging lease shall be subject to the following terms and conditions :—

Terms and
conditions of
dredging
lease.

- (1) It shall comprise two miles or less, if the lessee wishes, of the course of a public river or 100 acres or less, if the lessee wishes, of any lake, lagoon or alluvial ground as aforementioned, to be shown upon a diagram annexed to the lease.
- (2) The lease shall be for a term of three years renewable from time to time at the option of the lessee, but not to exceed a period in all of twenty-one years.
- (3) The lease shall be granted solely for the purpose of dredging for precious minerals and for no other purpose.
- (4) The lessee shall not obstruct the free navigation of a river or interfere with the right of, or deprive the public or any person entitled thereto of any of the water of the said river or place anything therein or thereon hurtful to such right.

- (5) The lessee shall be bound during the currency of the lease to carry on *bonâ fide* operations and to obey all regulations which may be prescribed by the Governor under this Act for the better carrying out of its provisions.
- (6) The lessee may sublet or assign the said lease subject to the consent of the Governor.
- (7) The lessee shall pay a monthly rental of sixpence per acre per mensem in advance and a royalty of One Pound per centum annually upon the gross amount realised by the sale of all precious minerals won by his dredging operations, provided that whenever the amount paid during any year as royalty shall exceed the amount paid as rent during the said year, the amount of such rent shall be deducted from any amount thereafter payable as royalty.
- (8) The lessee shall register not later than the seventh day of each month with the Civil Commissioner of the district the weight of precious minerals won by dredging during the preceding month and shall keep proper books showing the amounts realized by the sale of such minerals and such books shall be open to inspection of the Civil Commissioner or other official appointed for the purpose at all reasonable times.
- (9) The lessee shall be entitled to sufficient depositing ground on unoccupied Crown Land adjacent to his dredging area free of charge, to be fixed and determined by the Minister.
- (10) The lease shall be liable to cancellation if the lessee wilfully contravenes any of the provisions of the lease or if he fails for two months to pay over any royalty due by him within two weeks after due notice has been given of such intention to cancel the lease.

Meaning of
public river.

24. For the purposes of this Act a "public river" shall mean a stream whose bed within the limits of the dredging lease is not vested in any private person.

Terms and
conditions of
lease may in
certain cases
be waived by
Minister.

25. The Minister may at any time suspend or waive all or any of the lessee's covenants or conditions contained in any lease, in any case where he is satisfied that by reason of special circumstances it would be impossible for the lessee to comply with or would inflict great loss upon the lessee to enforce such covenants or conditions.

Return of all
suspensions
and waivers of
conditions to
be laid before
Parliament.

26. A return of all suspensions or waivers with the reasons therefor, shall be annually laid before Parliament within one month after the opening of any Session thereof.

Regulations.

27. The Governor may make regulations to be published in the *Gazette* for the more effectual carrying out of the provisions of this Act.

28. Any lessee or holder of a provisional dredging claim who may during dredging or prospecting operations discover any precious or base minerals in such payable quantity as would, if he were a prospector under this or any other Act, entitle him to discoverer's claim, under such Act, or may find any mine or alluvial deposit of precious stones which if he were a prospector under the "Precious Stones Act, 1899," or any amending Act would entitle him to discoverer's claims under such Act, shall be entitled to surrender his dredging lease and to obtain the same rights and privileges in respect of the precious or base minerals or precious stones or alluvial diggings so discovered by him as if he were the holder of a prospector's licence under the Acts dealing with such minerals, mines or alluvial diggings.

Holder of a dredging claim or lease may surrender his lease and become entitled to the rights of a holder of a prospecting licence under the Mining Acts.

29. The owner of land the title to which contains a reservation of precious minerals to the Crown may at any time obtain a dredging lease in respect of any portion of such land not suited for mining or already mined for the purpose of dredging or sluicing for precious minerals on such land.

Rights of owner of land to obtain a dredging lease.

30. No lease shall be issued under this Act without the consent of the owner or owners of the land on the banks of the river, included within the area to be covered by such lease.

Consent of Owner prior to issue of lease.

31. The said lease shall be subject to the following terms and conditions:—

Terms and conditions of such lease.

- (1) It shall be for a period of three years renewable from time to time at the option of the holder of the lease.
- (2) The lease shall be granted solely for the purpose of dredging for precious minerals and for no other purpose.
- (3) The lessee may assign the said lease provided notice of the assignment and the name of the assignee is given to the Civil Commissioner of the district where the land is situated.
- (4) The lessee shall pay a royalty of ten shillings per centum annually upon the gross amount realized by the sale of all precious minerals won by his dredging operations.
- (5) The lessee shall register not later than the seventh day of each month with the Civil Commissioner of the district the weight of precious minerals won by dredging during the preceding month and shall keep proper books showing the amounts realized by the sale of such minerals and such books shall be open to inspection by the Civil Commissioner or other official appointed for the purpose at all reasonable times.
- (6) The lease shall be liable to cancellation if the lessee wilfully contravenes any of the provisions of the lease.

PART II.

BASE MINERALS.

Repeal of repugnant laws. 32. The "Mining Leases Act," No. 12 of 1865, the "Mineral Lands Leasing Act," No. 9 of 1877, the "Mineral Lands Leasing Act Amendment Act," No. 15 of 1883, and so much of any other law as may be repugnant to or inconsistent with the provisions of this Act are, to the extent of such inconsistency or repugnancy, hereby repealed: but no such repeal shall affect anything duly done, or any right or privilege acquired or any liability, penalty or forfeiture incurred in respect of such laws.

Definitions. 33. In the interpretation of this Part of this Act, unless repugnant to the context, the following words and expressions shall have the following meanings, viz. :—

The term "Base Minerals" shall be held to mean Asbestos, Building Stone, Cinnabar, Clay, Coal, Cobalt, Copper, Crocidolite, Gypsum, Iron, Lead, Manganese, Magnesite, Nickel, Natural Gas, Oil, Salt, Slate, Tin and such other minerals, not being Gold, Silver or Platinum, as may from time to time be declared to be base minerals by Proclamation by the Governor.

The word "prospector" shall mean the holder of a prospecting licence taken out under the thirty-fourth section of this Act.

The word "discoverer" shall mean a duly licensed prospector who has discovered base minerals and has made the declaration referred to in the forty-second section of this Act that he has found them in "workable" quantities.

The term "workable" shall mean the occurrence of minerals in such quantities as to indicate a probable profitable result in working.

The terms "peg off," "peg out" shall be used synonymously to denote performance of the acts prescribed by the thirty-sixth and forty-second sections of this Act as necessary to be done to define the boundaries of areas referred to in said sections.

"Inspector" shall mean the official appointed as Inspector for the purposes of this Act.

"Minister" shall mean the Minister of the Crown to whom the administration of this Act shall be assigned.

Prospecting on Crown Lands for base minerals. 34. On and after the promulgation of this Act no person shall prospect on Crown Lands for base minerals except under and in accordance with the terms and conditions of a licence granted to him as hereafter provided and in accordance with the provisions of this Act: and any person contravening this section shall be liable to a penalty not exceeding £50, or, in default of payment, to imprisonment with or without hard labour for not exceeding six months.

Licence for prospecting. 35. Any person may take out at the office of a Civil Commissioner or Resident Magistrate in the Colony, a licence to prospect for base minerals on Crown Lands. Such licence shall

bear a stamp of one shilling for each month covered by the licence, and shall be registered at the office of the Civil Commissioner or Resident Magistrate of the District in which prospecting operations are being carried on.

36. The prospecting licence shall be in the form set forth in the Second Schedule to this Act and shall give the holder, for the period therein mentioned, not exceeding twelve months, the right, save as in this Act otherwise provided, to prospect for base minerals on Crown Lands throughout the Colony, and the prospector shall have the exclusive right of prospecting within his prospecting area, for the time being, that is to say an area of any shape not exceeding 1,000 acres in extent, which shall be pegged off by pegs not less than three inches square and not less than two feet in height above the ground, or beacons not less than two feet in diameter at the base and not less than two feet in height above the ground, with a trench cut not less than three feet in length, and not less than twelve inches in width where practicable, so as to indicate the direction of the pegs or beacons, or an area, being a circular area of 2,482 yards in diameter, at the centre of which shall be erected a beacon with a sign-board affixed thereto bearing the words "Centre of Prospecting Area under Licence No....., issued by the Civil Commissioner or Resident Magistrate for the Division of....." and the name of the prospector; and the prospector shall, during the currency of his licence, be at liberty to move such pegs or such beacon, to any other area on Crown Lands lawfully open to him, provided such area does not interfere with the prospecting area of any other person being the holder of a licence granted hereunder or under any other Act relating to precious stones or precious minerals.

Rights given
under licence.

37. Any person who removes or destroys any prospector's pegs, or knowingly and wilfully prospects within a prospector's area without his consent shall be liable to a penalty not exceeding £50, or in default of payment to imprisonment with or without hard labour for not exceeding six months.

Penalty for
removing or
destroying
pegs or pro-
specting on
another's area

38. Every prospector shall prospect his area *bonâ fide* and to the satisfaction of the Minister, and if he fail so to do, the Minister may after one month's notice cancel his licence in so far as such area is concerned, and thereupon the prospector may not again prospect within such area for a period of six months, and the area shall thereupon be open to any other prospector to peg off.

Licence may
be cancelled
on failure of
bona-fide pro-
specting.

39. Every prospector shall have the right on Crown Lands of grazing where available, for not more than 24 animals used in connection with prospecting or mining operations, and of taking wood and water that may be necessary for domestic purposes, but the written consent of the Minister shall be first obtained where the land is set aside for any Government purpose.

Rights of
grazing, &c.

Limitations
of prospector's
rights.

40. No prospector shall prospect on Crown Land held under lease unless he shall first have obtained the lessee's consent; nor shall he prospect within 200 yards of any house or building occupied or used by the owner or lessee thereof without the consent of the owner or lessee as the case may be, and a prospector shall not prospect upon any land which is under cultivation or which is either used or has been formally reserved in connection with any scheme of irrigation; or in any Government plantation, demarcated forest, forest reserve or native location without the consent of the Governor, or any area formally reserved for any purposes by Proclamation or prohibited by Proclamation to be prospected upon; or in any public squares, streets, roads, railways or cemeteries; or in any portion of a duly proclaimed area in actual use for mining purposes; or on any Crown Land held under a mineral lease.

Rights of
lessee of
Crown Land.

41. No lessee of Crown Land under any lease including all mineral leases, shall be obliged to permit any person licensed under this Act to prospect upon his land, but he may permit any such prospector to prospect thereon or upon such portion thereof as he may point out for such lawful consideration and subject to such lawful terms and conditions as may be agreed upon.

Prospector's
lease. Terms
and conditions
thereof.

42. A prospector who has proved to the satisfaction of the Civil Commissioner or Resident Magistrate that he has found base minerals in workable quantities, on signing the declaration set out in the Third Schedule hereto, shall be entitled to peg out an area not exceeding 1,000 acres in extent, and, on furnishing the Surveyor-General with diagrams in triplicate framed by a sworn land surveyor, showing the position and extent of the land applied for, shall be further entitled to the grant of a lease thereof; and in any lease so granted the following terms and conditions shall, amongst others, be inserted, viz. :—

- (a) The lease shall be granted solely for the purpose of mining for base minerals.
- (b) The lease shall be for a term of one year, with a right of renewal from time to time, at the option of the lessee, for any further period, but not exceeding a total period of ninety-nine years.
- (c) The lease shall be subject to a rental not exceeding the rate of one shilling per acre per annum, to be decided upon by the Minister, and to a royalty of One Pound per centum on the gross amount realized by the sale of minerals won: Provided that whenever the amount paid during any year as royalty shall exceed the amount paid as rent during the said year, the amount of such rent shall be deducted from any amount thereafter payable as royalty.
- (d) In the case of coal the discoverer shall be entitled to peg out so much land not exceeding 1,000 acres, as

he may deem necessary, but he shall not pay any rental in respect of so much of the surface area of the land pegged out by him as is not occupied by or used by him in connection with his mining operations, and such unoccupied surface area shall be deemed to be unoccupied by him save for mining purposes.

- (e) No rent shall be charged in respect of the first twelve months, but payment shall be made on the first day of January, succeeding the date of lease, of the rent accruing in the current year and thereafter payments shall be made in advance on the first day of January in each year. Should the lessee show no *bonâ fide* development work to the satisfaction of the Minister, during the first twelve months of the lease, the rent will be recoverable from the date of the lease, provided, however, that should the lessee satisfy the Minister that circumstances beyond his control have prevented the carrying out of such development work, or that the delay is due to want of necessary capital, exemption may be granted from this condition.
- (f) The lease shall be liable to cancellation by the Governor and without any compensation for improvements at any time should the land not be *bonâ fide* worked within the succeeding twelve months, or should the rent or royalty due be in arrear for twelve months, provided that three months' notice shall be given to the lessee of the intention to cancel the lease. If the lessee within this period of notice shows to the satisfaction of the Inspector that the land comprised in the lease is being worked in a fair and *bonâ fide* manner, and likewise pays the rent in arrear, such cancellation shall not take place.
- (g) Where any area, in respect of which a lease has been granted under the provisions of this Act is situated more than 25 miles from any railway, and the lessee shall prove, to the satisfaction of the Minister that, owing to circumstances beyond his control, it is or has been impossible to work the mining area at a profit, the Minister may grant such lessee immunity from penalties for non-working, hereinbefore mentioned, until such time as he shall fix : provided that the rental upon such area shall not be less than One Shilling per acre per annum during the period of such immunity.
- (h) The lessee may sub-let or assign his lease, subject to the approval of the Governor; and any such sub-lease or assignment shall be registered in the office of the Civil Commissioner or Resident Magistrate of the district.

- (i) The lessee shall keep proper books, in which shall be entered the quantity of base minerals won from the land leased, and the amounts realized by the sale thereof, and all such books shall be open to the inspection of the Inspector or other official appointed for the purpose at all reasonable times.
- (j) Within fourteen days after the expiration of each year of the lease, the lessee shall make a solemn declaration in the form prescribed in the Fourth Schedule to this Act, before a Magistrate or a Justice of the Peace, and shall forward it immediately to the Civil Commissioner or Resident Magistrate of the division, setting forth the quantity of base minerals won during such year, and the amounts realized by the sale thereof under penalty of a fine not exceeding £500, or, in default of payment to imprisonment with or without hard labour for any period not exceeding six months. If the declaration is wilfully false the lessee shall be liable to imprisonment with or without hard labour for a period not exceeding one year, and shall be further liable to forfeiture of the lease.
- (k) The lessee shall be entitled only to such surface rights and over such extents as are hereafter specified: Provided that no lease shall be issued unless a notice shall first have been published by the Surveyor-General in the *Gazette* and a newspaper circulating in the division concerned, stating that it is the intention of the Government to lease the area applied for, and calling upon any person who may have pegged out a prospecting area therein under this Act or any Act relating to precious stones or minerals to file their claims to the land so pegged out with the Civil Commissioner or Resident Magistrate of the division within thirty days from the date of such notice, after which no claim shall be recognized by the Government.

43. Notwithstanding anything in the last preceding section contained, the Governor may grant a lease of a larger area than 1,000 acres in all cases where the nature of the base mineral found shall in his opinion render such a course desirable, and any lease for such larger area shall be subject to the terms and conditions provided in the last preceding section.

44. Any person who shall make such declaration as aforesaid, while prospecting or otherwise, well knowing the minerals declared to have been found were by himself or some other person placed or deposited in or on the spot, or in the soil or stuff dug out or removed from the spot in which such declarant was prospecting, or where the discovery of such minerals is declared as aforesaid to have been made, and were not actually situate

A lease of a larger area than 1,000 acres, may in certain cases be granted.

False declaration of discovery.

in or on the spot, or in the soil or stuff where they were declared to have been found or discovered, or well knowing that the said minerals were not found or discovered in or on the place where they were declared to have been found or discovered, shall be deemed to be guilty of the crime of perjury.

45. Any person who shall, previous to any spot or place being let out on lease, wilfully place or deposit, or be accessory to the wilfully placing or depositing of any base minerals in any such spot or place with intent to make or instruct, persuade or induce any other person to make such solemn declaration as aforesaid, or with intent to mislead the Minister or any other person as to the workable nature of a spot or place where such minerals have been declared to have been found, shall be guilty of the crime of fraud.

"Salting."

46. In any proceedings taken for the contravention of the last preceding section, if the accused person shall be proved to have placed or deposited, or to have been accessory to the placing or depositing of any such mineral in any place where the finding thereof would be likely to lead any person to make a declaration of the finding of the same, or would tend to mislead the Minister, or any other person, he shall be taken to have so placed or deposited such mineral in contravention of the last preceding section unless he shall produce satisfactory evidence to the contrary.

Burden of proof in proceedings for "Salting."

47. The Governor may from time to time by Proclamation make, repeal and amend rules and regulations in respect of the following matters :—

Regulations.

- (1) Sanitation, hours of labour, the employment of women and children;
- (2) Machinery and works and the inspection thereof;
- (3) Protection of life and limb;
- (4) Working and management generally;

and to prescribe the penalties for the breach thereof, such penalties not to exceed a fine of £50, or in default of payment to imprisonment with or without hard labour for not exceeding six months; and the Governor may appoint such officers as may be deemed requisite for the carrying out of this part of this Act and the regulations framed thereunder, who shall receive such salaries or allowances out of the public funds as may be deemed necessary, and whose duties and authorities shall be fixed and determined from time to time by the Minister.

48. All offences created by this Part of this Act, and all fines and penalties imposed under the provisions of this Part of this Act, or of any rules, regulations or bye-laws to be framed and proclaimed in manner hereinbefore provided, shall be recoverable in the Court of the Resident Magistrate for the district in which such area is situate.

Jurisdiction of Magistrates' Courts

Existing
holders.

49. All persons holding, or being entitled to, existing leases or rights of occupation of Crown Land for mining purposes, may, upon the taking effect of this Act, surrender such leases or rights, and thereupon obtain leases under this Part of this Act, to commence from the date of such leases, but without the privilege of one year free of rent conferred by sub-section (e) of section forty-two.

BritishBech-
uanaland Na-
tive Reserves
treated as
Crown land.
Compensation
for surface
damage.

50. For the purposes of this part of this Act the Native Reserves in British Bechuanaland defined in the Schedule to Proclamation No. 220 B.B., 1895, shall be treated as Crown Lands; provided that as compensation for surface damage caused by the issue of any Base Mineral Lease under the provisions of this Act on any such Reserve, there shall be paid to the Civil Commissioner of the Division in which it is situated, one-fifth of the rent and royalty received by the Government from the lessee, and such moneys received by the Civil Commissioner shall be applied by him to the purposes mentioned in section seven of Proclamation No. 220 B.B., 1895.

PART III.

MINES DEPARTMENT.

Assays of
mineral ore
by Depart-
ment.

51. The chief Government Analyst shall examine or analyse, and report upon, or cause to be examined or analysed and reported upon, all mineral samples submitted for examination, analysis or assay, upon payment in advance of such fees as the Government may from time to time prescribe by tariff under the regulations provided for in section twenty-seven, and the report shall be communicated to the discoverer of such minerals or to such other persons as may submit the same.

Provisions
for forward-
ing single
samples of
ore.

52. Single samples of mineral ore of which an assay is required under the last preceding section shall be carried free of charge by any parcels post or upon the Government railways upon being addressed to the Government Analyst, and franked by the Resident or Assistant Resident Magistrate of the district in which the discoverer or owner resides.

Provision
for forward-
ing samples.

53. Samples, if more than one, shall only be carried free as aforesaid upon the certificate of the Government Analyst aforesaid, produced to the said Magistrate or Assistant Magistrate, to the effect that such samples are required for assay by the said Analyst.

Short Title.

54. This Act may be cited as "The Mineral Law Amendment Act, 1907."

FIRST SCHEDULE.

First Sched-
ule.

DREDGING FOR PRECIOUS MINERALS.

PROSPECTING LICENCE UNDER ACT OF 1907.

Licence is hereby granted to..... to enter upon Crown Lands for the purpose of prospecting for Precious Minerals.

This licence shall be in force forcalendar months from the date hereof, and shall be subject to the following conditions :—

1. The prospecting area, if upon a public river, shall not exceed four miles of its length measured along the middle line of the river, and if upon a lake, lagoon or alluvial ground not suited to ordinary mining, or already mined or unoccupied Crown Land, shall not exceed an area of two hundred acres.

2. This licence does not give the right to prospect on any area constituting the exclusive prospecting area of any other person under this Act or any Act relating to precious stones or precious minerals, or on private property, or upon any land under cultivation, or upon land which is either used or has been formally reserved in connection with any scheme of irrigation; or in any Government Plantation, Demarcated Forest, Forest Reserve or Native Location without the consent of the Governor, or any area formally reserved for any purposes by Proclamation or prohibited by Proclamation to be prospected upon; or within 200 yards of any house or building occupied or used by the owner or lessee thereof without his consent; or in any public squares, streets, roads, railways or cemeteries; or on Crown Land held under lease, unless the licence holder shall first have obtained the lessee's consent; or in any portion of a duly proclaimed area in actual use for mining purposes; or on any Crown Land held under a Mineral Lease.

.....
Civil Commissioner or Resident Magistrate.

Office of the Civil Commissioner,
.....

.....190

SECOND SCHEDULE.

Second
Schedule.

BASE MINERALS.

PROSPECTING LICENCE UNDER ACT OF 1907.

Licence is hereby granted to.....
to enter upon Crown Lands for the purpose of prospecting for base minerals.

This licence shall be in force for.....calendar months from the date hereof.

1. The prospecting area, if not circular, may be of any shape, but shall not exceed 1,000 acres in extent, and shall be properly pegged out by pegs not less than 3 inches square and not less than 2 feet in height above the ground or beacons not less than 2 feet in diameter at base, or less than 2 feet in height with trenches cut 3 feet in length and 12 inches wide where practicable indicating the direction of the pegs or beacons.

2. This licence does not give the right to prospect on any area constituting the exclusive prospecting area of any other person under this Act or any Act relating to precious stones or precious minerals, or on private property, or upon any land under cultivation, or upon land which is either used or has been formally reserved in connection with any scheme of irrigation; or in any Government Plantation, Demarcated Forest, Forest Reserve, or Native Location without the consent of the Governor, or any area formally reserved for any purposes by Proclamation or prohibited by Proclamation to be prospected upon; or within 200 yards of any house or building occupied or used by the owner or lessee thereof without his consent; or in any public squares, streets, roads, railways or cemeteries; or on Crown Land held under lease, unless the licence-holder shall first have obtained the lessee's consent; or in any portion of a duly proclaimed area in actual use for mining purposes; or on any Crown Land held under a Mineral Lease.

3. The prospector is liable for the repair of surface damage on vacant Crown Land, occasioned in the course of his operations.

4. The prospector has no right to the removal of a larger quantity of mineral soil, ore or rock discovered, than is required for bulk-testing purposes, not to exceed 100 tons.

5. Not more than any one area shall be pegged out at any one time under this licence; but the prospector may move his pegs or beacon to any other area lawfully open to him. Before commencing work in any Native Location or Reserve, the prospector shall first apply to the Resident Magistrate of the District in order that such steps as may be deemed expedient shall be taken to explain to the Headman and people of such location or reserve the nature of the proposed operations.

.....
Civil Commissioner or Resident Magistrate.

Office of the Civil Commissioner,
.....

THIRD SCHEDULE.

Third Sched-
ule.

Form of declaration of discovery of Base Minerals in work-
able quantities under section forty-two of Act No.....of 1907.

(¹) I.....of (²).....
do solemnly and sincerely declare, in terms of section forty-two of
Act No.....of 1907, that while prospecting under
Prospecting Licence No.....dated.....
issued by the Civil Commissioner of.....
I have found Mineral, viz.:—(³).....
in workable quantities at (⁴).....

And I make this solemn declaration conscientiously believing
the same to be true.

Declared this.....day of.....190.....at
.....

Signature.....

Justice of the Peace.

Signature of Witness :

.....

(¹) Name in Full. (²) Address. (³) Name of Mineral discovered.
(⁴) Description of place of Discovery, giving name of farm,
Division, approximate distance from nearest town or village.

FOURTH SCHEDULE.

Fourth
Schedule.

Form of declaration of Output under section forty-two of Act
No.....of 190.....:—

I.....do solemnly and sincerely
declare that the quantity of marketable ore raised from the land
situate at.....in the Division of.....
leased by me under the Base Minerals Act No..... of 1907,
during the year of my lease ended.....is
.....Tons of 2,352 lbs. weight, and that £.....
has been realised by sales during the year, and I make this
solemn declaration believing the same to be true.

Declared this.....day of.....190.....at
.....

Signature.....

Justice of the Peace.

Signature of Witness :

.....



3 0112 058787273